REMARKS/ARGUMENTS

Entry of the foregoing amendment is respectfully requested for the purpose of placing the application in condition for allowance, or alternatively, in better condition for appeal.

Reconsideration is respectfully requested of the Official Action of June 3, 2005, relating to the above-identified application.

The indication that Claim 4, if presented in independent form, would be allowable is noted with appreciation. By the foregoing amendment Claim 4 has been rewritten in independent form and is believed to be in condition for allowance.

The only rejection that is outstanding in the application is the rejection of Claims 1, 3 and 5 to 7 under 35 U.S.C. § 102(e) as anticipated by the *Eck* patent, U.S. 6,197,863. Reconsideration is respectfully requested in view of the foregoing amendment which has replaced the expression "structurally modified" with the more precise term "destructured" which is found in the specification at page 2, line 5. The Official Action relies on the disclosure in *Eck* showing polymeric compositions containing a pyrogenic silica modified with surface functionalizing agents. The Official Action notes that these agents include methacryloxypropylsilyl and glycidyloxypropylsilyl functional groups.

However, *Eck* does not disclose destructured products. Also, the reference fails to explicitly recite the primary particle size, the tamped density, the pH, the carbon content and the DBP number.

Applicants invite attention to the fact that the claimed silica products are destructured silicas as pointed out on page 2, line 5 of the specification. This is a significant feature of the invention. Reference is made to the description of what is meant by "destructuring" found in the

prior art such as the *Nargiello, et al.*, patent, U.S. 6,193,795 (of record). Attention is invited to the discussion of "structure" in *Nargiello, et al.,* in col. 1, line 39, citing the Encyclopaedia of Chemical Technology, Vol. 4, pg. 638 by Kirk Othmer. Further evidence of the fact that "destructuring" and the "structure"of finely divided fillers such as silica is known in the art is shown by the *Hartmann, et al.*, patent, U.S. 5,959,005 (of record). Destructuring of fillers such as silica is brought about by mechanical action as noted in the *Hartmann* patent, in column 1 at line 37. As pointed out by the *Nargiello, et al.,* patent, the "structure" of a material such as silica is measured by the DBP absorption. See col. 1, beginning at line 39. Note the disclosure beginning in line 53 that providing low structure or a destructured product allows for higher loadings of fillers in formulations whereby excessive viscosity build-up is drastically reduced. This enables improvement in extrusion rates and mechanical properties. Therefore, it may be seen that the term "destructured" has a meaning well understood in the prior art and distinguishes a filler such as silica which has been "destructured" from a silica which has not been subjected to the destructuring operation.

Thus, in summary, the present record fails to establish that the *Eck* reference anticipates all of the features that are set forth in the claims herein. Furthermore, it has not been established that the composition shown in the reference would inherently result in the properties defined in the present claims.

Accordingly, applicants respectfully submit that the *Eck* reference fails to anticipate the claimed invention and, therefore, the rejection based thereon should be withdrawn.

Respectfully submitted,

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